

**10-63 MAPLES V. THOMAS, INTERIM COMMISSIONER, AL D.O.C.**

DECISION BELOW: 586 F.3d 879

LOWER COURT CASE NUMBER: 07-15187

**QUESTION PRESENTED:**

In this capital case, the divided Eleventh Circuit held that Alabama may execute a state inmate without any federal court review of the merits of serious constitutional claims because of a missed filing deadline that indisputably occurred through no fault of petitioner and after the State failed to take any action when court orders mailed to petitioner's lead attorneys of record were returned to a court clerk unopened with "Return to Sender - Left Firm" written on an envelope. The questions presented are as follows:

1. Whether the Eleventh Circuit properly held - in conflict with the decisions of this Court and other circuits - that the purported state procedural default rule is "adequate" as a matter of federal law to bar federal habeas review of serious constitutional claims, where the court of appeals disregarded state case law allowing untimely appeals in analogous circumstances, reconstructed state law based on distinctions not drawn by the state courts themselves, and relied on cases decided after the asserted default.

2. Whether the Eleventh Circuit properly held - in conflict with the decisions of this Court and other courts - that there was no "cause" to excuse any procedural default where petitioner was blameless for the default, the State's own conduct contributed to the default, and petitioner's attorneys of record were no longer functioning as his agents at the time of any default.

LIMITED TO QUESTION 2 PRESENTED BY THE PETITION.

CERT. GRANTED 3/21/2011